



5740 03/22/06

\$7,100.00 ✓

OFFICE OF
INSURANCE COMMISSIONER

In the Matter of)

No. D06-144

GERBER LIFE INSURANCE)
COMPANY,)

CONSENT ORDER
IMPOSING A FINE

An Authorized Insurer.)
_____)

Findings of Fact:

1. Gerber Life Insurance Company ("Gerber Life") is authorized to conduct insurance business in Washington State. It issues life and disability insurance.
2. Gerber Life filed the signature accompanying its 2004 Statement of Actuarial Opinion with the Office of the Insurance Commissioner ("OIC") on May 10, 2005.
3. RCW 48.05.250 requires that insurers submit an annual statement of the preceding year to the OIC before the first day of March of the following year. The statute permits the Commissioner to revoke or suspend the insurer's certificate of authority for failure to so submit.
4. RCW 48.05.185 authorizes the Commissioner to impose a fine in lieu of or in addition to the suspension or revocation of an insurer's certificate of authority.
5. WAC 284-07-060(2)(a) requires an insurer's annual statement be accompanied by a signed Statement of Actuarial Opinion as executed in accordance with the appropriate *Annual Statement Instructions* and *Accounting Practices and Procedures Manuals* promulgated by the National Association of Insurance Commissioners.

Conclusions of Law:

1. The failure of Gerber Life to timely file the signature accompanying its Statement of Actuarial Opinion by the due date of February 28, 2005 constitutes a violation of RCW 48.05.250.

Consent to Order:

Gerber Life consents to the following, in order to resolve this matter without further legal or administrative proceedings. The Insurance Commissioner consents to resolve this matter, in consideration of the insurer's payment of a fine, as set forth below.

1. Gerber Life consents to entry of the foregoing Findings of Fact and Conclusions of Law, and acknowledges its duty to comply with all applicable laws and regulations of Washington State. It waives further legal or administrative challenge to the actions taken, or to be taken, by the Insurance Commissioner relating to the subject matter of this order.
2. Within thirty days of the entry of this Order, Gerber Life will pay to the Insurance Commissioner a fine in the amount of \$7,100 (seven thousand one hundred dollars).
3. If Gerber Life fails to pay the fine in full within thirty days of the entry of this order, this will constitute grounds for the suspension or revocation of the certificate of authority held by Gerber Life in Washington State. It will also result in a civil action being brought by the Attorney General on behalf of the Insurance Commissioner, to recover the fine.

Executed this 21st day of MARCH, 2006

GERBER LIFE INSURANCE COMPANY

By: 

PRINTED NAME: Robert J. Lodowick, Jr.

PRINTED CORPORATE TITLE: V.P. & GENERAL COUNSEL

Order:

Pursuant to the foregoing Findings of Fact, Conclusions of Law, and Consent to Order, the Insurance Commissioner orders as follows:

1. Gerber Life Insurance Company is ordered to pay, within thirty days of the entry of this Order, a fine in the amount of \$7,100 (seven thousand one hundred dollars).
2. Failure to timely pay the fine in full will constitute grounds for the suspension or revocation of the certificate of authority held by the insurer in Washington State.
3. It will also result in a civil action being brought by the Attorney General, on behalf of the Insurance Commissioner, to recover the fine.

Executed this 23rd day of March, 2006

MIKE KREIDLER

Insurance Commissioner

By: 

Marcia G. Stickler

Legal Affairs Division